

REMARKS

Formal Matters

Claims 29-31 are all the claims pending in the Application. Applicant thanks the Examiner for initialing the Information Disclosure Statement (IDS) submitted on February 15, 2008.

Claim Rejections Under 35 U.S.C. § 102

Claims 29-31 stand rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent No. 6,572,381 to Tsai ("Tsai"). Applicant traverses this rejection for at least the following reasons.

First, the Examiner is incorrect in asserting that any karaoke system is a portable terminal. The Examiner appears to assert that any computer karaoke system is located within a housing, and can be moved from room to room or from country to country, and is, therefore, portable. Applicant disagrees with the Examiner's assertions and respectfully submits that the Examiner is incorrect.

While it is possible to move a typical karaoke system from one place to another when, for example, one moves to live in a new house, the system is usually not intended, designed, adapted, or even capable of working during its travel. One cannot often carry it when going out, or listen to music away from home, using a typical karaoke system. Thus, it would be clear to one of skill in the art that the system of Tsai was not expected to be carried outdoors to allow its carrier to reproduce music on a bench in a park, in a train, or during a walk.

A portable device is a device which can perform its function even when its user is away from his usual abode, and a portable music player is a device which enables its user to enjoy music even away from home (and even, for example, when it is not plugged in).

By analogy, Applicant suggests that the difference between a fixed-line phone and a mobile phone is similar. While one can carry even a fixed-line phone to a new house, install it, and use it in its new location, it is not a device which one can often carry and use away from home, for example, on a bench in a park or during a walk. On the other hand, one can easily carry a mobile phone to nearly any place away from home and use it there to talk. The same difference exists between the present invention and the system of Tsai. Clearly, a mobile phone is not, and was not, rendered unpatentable based solely on the previous existence of fixed-line phones.

Second, Tsai fails to disclose an updating section such as that described in an exemplary embodiment of the specification at ¶ [0143]. Whenever one listening is complete, the taste information 24, etc. are updated in accordance with a mode of listening, for example, a number of times a user has listened to a piece of music. The taste information 24 is updated each time the user listens to the piece of music M.

The updating section does not simply count the number of times a particular piece of music is selected, but updates the “number of plays” as a measure of taste “whenever one listening is completed,” while the last listening date information 26 is not updated even if a particular piece of music is listened to repeatedly on a single day.

According to Tsai, the number of times the corresponding address is accessed is incremented (column 22, lines 55-56) even when, for example, only the beginning of a selected piece of music is listened to, a wrong piece of music is selected, or playback of a selected piece of music is stopped in the middle of playback. Thus, the simple number of selections is low in reliability as a measure of taste, unlike the updating section of the present invention, which updates the number of plays each time the reproduction of music is completed, and thereby provides a highly reliable means for determining the taste of the user and accurately achieving the expected result.

Thus, Tsai fails to disclose each and every required element of claims 29-31, and therefore, fails to anticipate these claims. Accordingly, Applicant respectfully requests that the Examiner withdraw the rejection.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

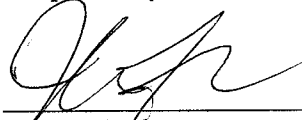
AMENDMENT UNDER 37 C.F.R. § 1.114(c)
U.S. Application No.: 10/017,394

Attorney Docket No.: Q67780

This Amendment is being filed via the USPTO Electronic Filing System (EFS).

Applicants herewith petition the Director of the USPTO to extend the time for reply to the above-identified Office Action for an appropriate length of time if necessary. Any fee due under 37 U.S.C. § 1.17(a) is being paid via the USPTO Electronic Filing System (EFS). The USPTO is also directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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